

RECEIVED

MAR 28 2016

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BERNAL AGUILAR

CIVIL ACTION NO. 1:14-CV-03476
SECTION "P"

VERSUS

JUDGE TRIMBLE

LA. DEPT. OF CORRECTIONS, et
al.

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that defendants' motion to dismiss (Doc. 19) IS GRANTED IN PART and DENIED IN PART, to wit:

Defendants' motion to dismiss (Doc. 19) is GRANTED as to Aguilar's claim for monetary damages against Warden Cain and Secretary LeBlanc in their official capacities and Aguilar's claims therefor are DENIED AND DISMISSED WITH PREJUDICE.

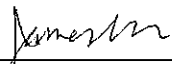
Defendants' motion to dismiss (Doc. 19) Aguilar's claims for a declaratory judgment and/or prospective injunctive relief against Warden Cain and Secretary LeBlanc in their official capacities IS DENIED.

Defendants' motion to dismiss (Doc. 19) Aguilar's complaint against Secretary LeBlanc in his individual capacity IS GRANTED and Aguilar's claims against Secretary LeBlanc in his individual capacity are DISMISSED WITH PREJUDICE.

Defendants' motion to dismiss (Doc. 19) Aguilar's complaint against Warden Cain in his individual capacity IS DENIED.

Defendants' motion to dismiss Aguilar's complaint for lack of exhaustion (Doc. 19) IS DENIED.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana, on this 28th day of March 2016.



JUDGE JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE